

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WADITH STOCKINGER NADER and)	Case No. 8:17-cv-00083
STACEY NICHOLE NADER,)	
)	
Plaintiffs,)	
)	
vs.)	MOTION FOR
)	<u>SUMMARY JUDGMENT</u>
THE CITY OF PAPILLION; SARPY)	
COUNTY; BRYAN SVAJGL; BENJAMIN)	
IVERSEN; SCOTT A. LYONS; L.)	
KENNETH POLIKOV; and JENNIFER)	
MIRALLES,)	
)	
Defendants.)	

COME NOW, Defendants The City of Papillion ("Papillion"), Bryan Svajgl ("Svajgl"), Benjamin Iversen ("Iversen"), and Scott A. Lyons ("Lyons"), and move the Court for summary judgment in their favor.

Svajgl, Iversen, and Lyons make this motion based on the defense of qualified immunity and, alternatively, on the merits. Papillion makes this motion on the merits, as in light of Svajgl, Iversen, and Lyons' qualified immunity, Papillion has no independent liability to the Plaintiffs. The undersigned Defendants are also entitled to sovereign immunity under the Nebraska Political Subdivisions Tort Claims Act. Additionally, Plaintiff Stacey Nichole Nader lacks standing to assert her claims.

The pleadings and evidence presented with this Motion demonstrate that there is no genuine issue of material fact, and that the undersigned Defendants are entitled to judgment as a matter of law on all of Plaintiffs' claims.

WHEREFORE, the undersigned Defendants pray that summary judgment be granted in their favor, that all of the Plaintiffs' claims asserted against them be

dismissed with prejudice at Plaintiffs' costs, and that the Defendants recover their costs and attorneys' fees pursuant to 42 U.S.C. § 1988.

DATED this 5th day of October, 2017.

THE CITY OF PAPILLION, BRYAN SVAJGL,
BENJAMIN IVERSEN AND SCOTT A.
LYONS, Defendants

By: /s/ Ryan M. Kunhart

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and Scott Lyons

CERTIFICATE OF SERVICE

I hereby certify that on October 5th, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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s/ Ryan M. Kunhart

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